



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bachmann *et al.*

Appl. No.: 10/622,064

Filed: July 18, 2003

For: **Hapten-Carrier Conjugates and
Uses Thereof**

Confirmation No.: 5977

Art Unit: 1648

Examiner: Mosher, Mary

Atty. Docket: 1700.0300001/BJD/SJE

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed on April 6, 2004 in connection with the above-captioned application.

Copy of documents **AE4** and **AF4** are not provided in accordance with MPEP § 609 which states "copies of such U.S. patent documents are not required if the IDS is electronically submitted via EFS or the IDS is filed in an application filed after June 30, 2003." Copies of all other documents are submitted herewith.

The Examiner's attention is directed to the following copending applications directed to related technical subject matter:

U.S. Application No. 10/617,876, Bachmann *et al.*, filed July 14, 2003, published as Published Application No. 2004/0076611 A1 (Document **AE4**); and

U.S. Application No. 10/733,582, Renner *et al.*, filed December 12, 2003, published as Published Application No. 2004/0136962 A1 (Document **AF4**).

The Examiner's attention is also directed to Documents **AR148** and **AS148** which are copies of the International Search Reports for International Applications which relate to copending U.S. patent applications directed to related technical subject matter.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from related copending applications as Documents **AT148-AT149**.

The identification of these U.S. Patent Applications, Office Actions and International Search Reports is not to be construed as a waiver of secrecy as to those Applications, Office Actions or International Search Reports now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications, Office Actions, International Search Reports and the art cited therein during examination of the present application.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following in regards to the non-English language document cited on Form PTO-1449:

Document **AM10**, FR2695563, is in the French language. The relevance of Document **AM10** can be ascertained by reference to an unverified English language abstract attached as Document **AT147**. Applicants also note that English language equivalents of Document **AM10** were cited to the USPTO in Applicants' Information Disclosure Statement filed November 17, 2003 as Documents **AC2** and **AE2** (U.S. Patent Nos. 5,871,747 and 6,004,763, respectively).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: Oct. 15, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

FORM PTO-1449

ATTY. DOCKET NO.
1700.0300001/BJD/SJEAPPLICATION NO.
10/622,064FIFTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTAPPLICANT
Bachmann *et al.*
FILING DATE
July 18, 2003GROUP
1648

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE4	2004/0076611 A1	04/22/2004	Bachmann <i>et al.</i>			07/14/2003
	AF4	2004/0136962 A1	07/15/2004	Renner <i>et al.</i>			12/12/2003
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM10	FR2695563	3/18/1994	France			X Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	147	Nieland, J.D., <i>et al.</i> , "Chimeric papillomavirus virus-like particles induce a murine self-antigen-specific protective and therapeutic antitumor immune response," <i>J. Cell. Biochem.</i> 73:145-152, Wiley-Liss Inc. (1999)
	AT	147	Dialog File 351, Accession No. 1994-111516, unverified Derwent WPI English language abstract for FR2695563

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 <u>FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1700.0300001/BJD/SJE	APPLICATION NO. 10/622,064
	APPLICANT Bachmann <i>et al.</i>	
	FILING DATE July 18, 2003	GROUP 1648

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>148</u>	International Search Report for International Application No. PCT/IB01/00741, mailed March 5, 2002, International Searching Authority, European Patent Office, Netherlands.
	AS	<u>148</u>	International Search Report for International Application No. PCT/IB02/00166, mailed January 31, 2003, International Searching Authority, European Patent Office, Netherlands.
	AT	<u>148</u>	Copy of Office Action mailed June 6, 2001, for United States Patent Application No. 09/449,631, Renner <i>et al.</i> , filed November 30, 1999. (NOT FOR PUBLICATION)
EXAMINER		DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 <u>FIFTH SUPPLEMENTAL</u> <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1700.0300001/BJD/SJE	APPLICATION NO. 10/622,064
	APPLICANT Bachmann <i>et al.</i>	
	FILING DATE July 18, 2003	GROUP 1648

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>149</u>	Copy of Office Action mailed February 27, 2002, for United States Patent Application No. 09/449,631, Renner <i>et al.</i> , filed November 30, 1999. (NOT FOR PUBLICATION)
	AS	<u>149</u>	Copy of Office Action mailed November 14, 2002, for United States Patent Application No. 09/449,631, Renner <i>et al.</i> , filed November 30, 1999. (NOT FOR PUBLICATION)
	AT	<u>149</u>	Copy of Office Action mailed March 1, 2004, for United States Patent Application No. 10/050,902, Renner <i>et al.</i> , filed January 18, 2002. (NOT FOR PUBLICATION)
EXAMINER		DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1700.0300001/BJD/SJE	APPLICATION NO. 10/622,064
	APPLICANT Bachmann <i>et al.</i>	
	FILING DATE July 18, 2003	GROUP 1648

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>150</u>	Print out of Xenova Group PLC web page, www.xenova.co.uk/t_addiction.html ; accessed October 8, 2004
	AS	<u>150</u>	Print out of Xenova Group PLC web page, www.xenova.co.uk/dc_ta_nic.html ; accessed October 8, 2004
	AT	<u>150</u>	Print out of Xenova Group PLC web page, www.xenova.co.uk/dc_ta_cd.html ; accessed October 8, 2004
EXAMINER		DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1700.0300001/BJD/SJE	APPLICATION NO. 10/622,064
	APPLICANT Bachmann <i>et al.</i> /	
	FILING DATE July 18, 2003	GROUP 1648

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>151</u>	Press release by Xenova Group PLC, accessed at www.xenova.co.uk/PressReleases/pr_20040614_01.html ; June 14, 2004
	AS	<u>151</u>	Press release by Xenova Group PLC, accessed at www.xenova.co.uk/PressReleases/pr_20040714_01.html ; July 14, 2004
	AT		
EXAMINER		DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.